

December 17, 2015

2015

LOWER SAN PITCH

From:

Gunnison – Fayette Canal Company

P O Box 803

Gunnison, UT 84634

To:

Mike Silva

Distribution Engineer for Sanpitch River

Dear Mike:

The Gunnison-Fayette Canal Board met on December 4, 2015 to discuss your letter of February 10, 2015 in regards to setting of the assessment on the lower Sanpitch River.

The board has the following concerns:

As stated on pages 198 and 199 of the Cox Decree Sec. D Sanpitch Water Rights. The Gunnison-Fayette Canal can only use the Sanpitch waters north of the Sanpitch River. We have 3,115 adjudicated acres, but only approximately 2104 of these acres are located north of the Sanpitch. You have us for 2558.5 acres. We feel this is too high since the Sanpitch does intersect our canal at about its midpoint and its waters cannot be used on ground located under the south ½ of our canal.

As stated on page 199 of the Cox Decree our rights from the Sanpitch begin March 1 to October 1. In your letter it was mentioned we would be billed for October and November waters. If we can't use that water then we shouldn't be billed for it.

We also have some concerns about early March water. Most years the canal is still iced up until late March and it is impossible or a waste to even put it in the canal. We usually don't even start drawing any Sanpitch water until late March. This early water goes to Delta in the Yuba Reservoir. Because of this we feel Delta should be a part of the Sanpitch and pay an assessment.

One of our biggest concerns is the amount of water being charged to us. The water is being guestimated at the old field diversion located six to seven miles up stream from the Gunnison-Fayette diversion. In your letter you used 2014 water records as an example. You show us using 1.420 A.F. The fact is that we received only two days of useable water during the entire irrigation season and that was water used on March 20 and 21. Then the Sanpitch dried up and didn't produce a drop at our diversion until December 3. Early March water went to Delta because we couldn't use it at that time of year. The year 2015 has been the same as 2014. Except for early March water that we were not able to use the Sanpitch produced nothing at our head gate. In fact, as of December 17 the Sanpitch is still not producing anything at our gate even though it has been flowing over the old field diversion.

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WATER RIGHTS
SALT LAKE

RJS

Since early November, The Supreme Court ruled in 1968 that the Gunnison-Fayette Canal Sanpitch rights were to be measure at our head gate.

In an effort to help solve the question of how much Sanpitch water we use the board has voted to update our canal measuring device at the Sanpitch diversion. Jim Walker is designing the update. Once this is updated we feel this diversion should be monitored by the lower Sanpitch Commissioner when the Sanpitch is flowing. Since Sanpitch waters do comingle with our Sevier River waters, the Sevier River waters will have to be subtracted.

As was mentioned earlier we feel that Delta should be a part of the Sanpitch and pay an assessment to help with policing.

There has been talk of a measuring device on the Sanpitch closer to our diversion. Jim Walker, lower Sevier River Commissioner has said he would work on that. That will be a benefit to all if it comes to pass.

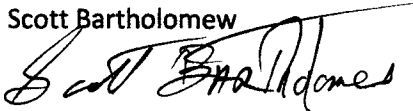
We realize setting an assessment on the Sanpitch is difficult because water is allocated by priority. We are not opposed to paying some to help with policing even on years when the Sanpitch don't produced. We are a very small company and simply cannot afford to pay for water we don't receive or can't use.

We would be happy to walk you through our Sanpitch diversion and discuss our concerns with you if you are passing through Gunnison.

Thank you,

President

Scott Bartholomew



Secretary

Sherwin Sorensen

